

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

EPIC GAMES, INC.,

*Plaintiff, Counter-defendant,*

APPLE INC.,

*Defendant, Counterclaimant.*

Case No. 4:20-cv-05640-YGR-TSH

**OBJECTION TO SPECIAL MASTER  
RULING ON APPLE INC.'S  
PRODUCTIONS OF RE-REVIEWED  
PRIVILEGED DOCUMENTS**

The Honorable Thomas S. Hixson  
San Francisco Courthouse  
Courtroom E - 15th Floor  
450 Golden Gate Avenue  
San Francisco, CA 94102

Dear Magistrate Judge Hixson,

Pursuant to section 4 of the Joint Stipulation and Order Approving Privilege Re-Review Protocol (Dkt. 1092) (the “Protocol”), Apple respectfully submits the following Objection to certain of the Special Masters’ privilege determinations issued on April 15, 2025, regarding Apple’s production of re-reviewed and privileged documents. We are submitting two documents for *in-camera* review contemporaneously with this filing.

Apple’s objection relates only to a document Apple believes is not already covered by Your Honor’s and Judge Gonzalez Rogers’ existing rulings on Apple’s privilege assertions in this post-judgment discovery. As previously noted, *see* Dkt. 1109, Apple reserves all rights as to documents affected by those rulings, including any post-judgment appellate rights.

**Entry No. 7744 (PRIV-APL-EG 00225225)**

Entry No. 7744 (PRIV-APL-EG\_00225225) is a draft webpage entitled “subscriptionDaysOfPaidService,” which provides instructions for calculating the total number of days of paid service on a subscription platform. The draft document was attached to an email thread, Entry No. 7743 (PRIV-APL-EG\_00225208). The most recent-in-time email in the thread is an email from an Apple employee to two Apple in-house counsel, Ling Lew and Adil Karrar, attaching Entry No. 7744 and other documents. The email requests that counsel review the documents and determine if they can be published to the public.

The parent email indicates that Entry No. 7744 is a draft document, sent to in-house counsel to review and approve publication. As a draft document subject to review and revision by counsel, the document in its entirety is privileged and should be withheld. *In re Premera Blue Cross Customer Data Sec. Breach Litig.*, 329 F.R.D. 656, 662 (D. Or. 2019) (“A draft prepared at the request of counsel or otherwise prepared by [a non-lawyer] and sent to counsel for review and legal advice is subject to the attorney-client privilege.”).

DATED: April 21, 2025

WEIL, GOTSHAL & MANGES LLP  
By: /s/ Mark A. Perry  
*Counsel for Defendant Apple Inc.*